

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 6889

Theodorus Suibertus Anthonius ROLF

Date: October 18, 2011

Serial No.: 10/552,027

Group Art Unit: 3711

Filed: October 3, 2005

Examiner: Amir Arie Klayman

For: TOY BUILDING BLOCK

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Sir:

In compliance with the requirement in the Interview Summary mailed in the above-identified application on September 19, 2011 that Applicant file a Statement of the Substance of the Interview, that statement follows.

Applicant's representative conducted a telephonic interview on September 13, 2011 with Supervisory Patent Examiner Eugene Kim and Examiner Amir Klayman.

During the interview, Applicant's representative contended that the Examiner's demand for evidence of the criticality of the stud height and the length of the stud ignores the requirement that those variables be shown to be recognized by the prior art as result-effective variables. However, the Examiners disagreed with the contention of Applicant's representative, indicating that, in their view, it was inherent that these variables were result-effective variables, based upon the fact that the studs had height and were fitted into recesses in Cyrus et al., U.S. Patent No. 6,129,605. The Examiners indicated that evidence, by test results or otherwise, in a Declaration regarding at least the criticality of the stud's height, as claimed in claim 17, must be provided.

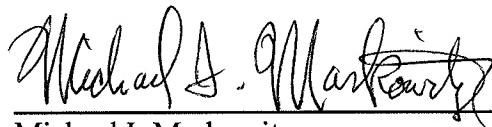
With regard to proposed new independent claim 36, the Examiners stated that they would have to consider whether that claim overcame Cyrus et al. However, the Examiner's supervisor, Eugene Kim, indicated that there might be an issue of a constructive election of the embodiment

of claim 17, possibly leading to a restriction requirement, if claim 36 is included. Applicant's representative, however, contended in response that claim 17 was generic.

Respectfully submitted,

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RCF/MIM:lac



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